

REPORT  
ON THE  
PROJECT OF UNITING  
THE  
GREAT BAYS OF LONG-ISLAND  
BY CANALS,  
FROM  
CONEY-ISLAND TO BRIDGEHAMPTON.

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BROOKLYN:  
E. B. Spooner, Printer, Franklin Buildings, corner of Fulton and Orange-streets.

1848.

# LONG-ISLAND CANAL,

AND

## NAVIGATION COMPANY.

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NOTICE is hereby given, that the Commissioners appointed by an act of the Legislature of the State of York, entitled, "An Act to incorporate the "Long Island Canal and Navigation Company," passed April 7th, 1848, will open Books, at the following times and places, for receiving subscriptions for Three Hundred Thousand Dollars of Capital Stock, in shares of Fifty Dollars each :

SOUTH OYSTERBAY, Queens County, at CONKLIN VANDEWATER'S, MONDAY, July 10th, from 2 to 6 P. M.

ISLIP, Suffolk County, at H. B. COOK'S, TUESDAY, July 11th, from 2 to 6 P. M.

PATCHOGUE, Suffolk County, at AUSTIN ROE'S, TUESDAY, July 11th, from 2 to 6 P. M.

MORICHES, Suffolk County, at N. TERRY'S, WEDNESDAY, July 12th, from 1 to 6 P. M.

JAMAICA, Queens County, at REMSEN'S Hotel, THURSDAY, July 13th, from 3 to 6 P. M.

BROOKLYN, Kings, County, at No. 40 Fulton-street, 2d story, FRIDAY, July 14th, from 1 to 5 P. M.

NEW-YORK CITY, at No. 24 Exchange Place, TUESDAY, July 18th, WEDNESDAY, 19th, from 10 A. M. to 3 P. M.

Persons wishing to subscribe, whose residences are not convenient to the above named places, can send their names, stating the amount they will subscribe, to either of the Commissioners, or to J. P. HOWELL, and HENRY GARDINER, at Quogue, or EDWIN ROSE and J. L. GARDINER, at Bridgehampton.

The object of this Company is to construct Canals to connect the great Bays on the south side of Long Island, and thus open a new and direct communication from New York, to an extended and populous region of country, now almost entirely disconnected with the city.

*Conditions of Subscription* :—Five Dollars to be paid on each share subscribed, at the time of subscription, for which the receipt of a Commissioner will be given.

In case the whole amount of capital is subscribed, a second instalment of Five Dollars on each share will be called for. Thirty days' notice will be given, previous to the time of payment.

No instalment to be called for without thirty days' notice being given; and no instalment to be required exceeding Five Dollars per share.

If Fifty Thousand Dollars only is subscribed, the Company will organize pursuant to its charter; and the subscription books will be re-opened, and remain open, until the whole amount of stock is subscribed.

Pamphlets with Maps, can be obtained gratis, from either of the Commissioners; at the Brooklyn Star Office; at 40 Fulton-street, 2d story, and at the "Telegraph News Room," No. 24 Exchange Place, New-York.

HENRY W. TITUS, Bell Port, Suffolk County,

A. G. THOMPSON, JR., Islip, do. do.

WALTER SCUDDER, do. do. do.

HENRY FLOYD JONES, South Oysterbay, Queens County,

Commissioners.

TRAVELLER'S  
MAP  
OF  
LONG ISLAND.  
Published By J.H. Colton  
NEW YORK.  
1818





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The Maps of "Long Island" and "Thirty-three miles around the City of New York," published by J. H. Colton, 86 Cedar street, New York, give an accurate view of the Bays and show their proposed union.

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# LONG-ISLAND CANAL,

AND

## NAVIGATION COMPANY.

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At the last session of the Legislature of the State of New York, a company was incorporated with the above title, the object of which is to construct Canals to unite the large Bays along the South shore of Long Island, from Coney Island to Bridgehampton, a distance of ninety miles from the harbor of New York, about ten miles of Canal only being required, the Bays being navigable for nearly eighty miles.

This project was first proposed in the year 1824 by Abraham G. Thompson of New York, who with many influential individuals, among whom were James Boggs, Nathaniel L. Griswold and Nathaniel Prime of that city, Judge John Terhune of Kings County, John L. Norton of Queens, and Nicoll Floyd of Suffolk, petitioned the Legislature in its favor.

A survey was ordered by the State, and made in 1825, under the direction of the Canal Commissioners, by Mr. Holmes Hutchinson, an experienced engineer engaged on the Erie Canal, a copy of whose report is annexed, and the utility and feasibility of the project proved beyond question. The then Governor of the State, Dewitt Clinton, recommended the union of the great Bays of Long Island to the favorable notice of the Legislature in his annual message addressed to that body January 6th, 1826, as "*a measure vastly important to our population in that quarter, and to the city of New York.*"

Propositions were made by the petitioners—1st. That the Canal should be made by the State upon the same principle that various other similar improvements were undertaken under its auspices, and as an act of justice to Long Island, which has never to any extent been the recipient of State patronage. 2nd. If this proposition was rejected, that a com-

pany, with banking privileges, should be connected with the Canal for the same reasons that the State had already granted such privileges to the Delaware and Hudson Canal Company, and other not strictly speaking banking institutions.—3rd. If the above propositions failed, then, that the State should reimburse the company one third of the cost of the Canals. Neither of these propositions succeeded; a simple charter for a Canal company was passed, which was considered by the friends of the project as objectionable, in presenting few inducements for the investment of capital, and therefore was not accepted. No further steps were taken in this matter until 1846, when a number of practical farmers on Long Island convinced of the utility of the proposed Canals; believing that the time had arrived for their construction; that the wants of the yearly increasing population on the South side, called for them and that they would yield a profitable return on the small amount of capital required, petitioned the Legislature for an act of incorporation, which was granted in April, 1848.

The route of this proposed improvement was partially examined by Mr. James I. Shipman, Civil Engineer, and a new survey made under his supervision, but owing to his absence, being now in Illinois, the Commissioners are unable to obtain at present all the minute details required. A general description of the project, from memorandums in their possession, will give all the information necessary in order to prove its utility.

The proposed Canals begin at Gravesend Bay in the Harbor of New York, extending across the meadows north of Coney Island to Jamaica Bay. The whole distance across Coney Island is about three miles, one half of which may be deducted as the creek can be straightened to admit of being navigated one and a half miles from its mouth eastward.

From Jamaica Bay the second Canal would extend across Rockaway, passing in front of the Pavilion, the entire length of which is four and a half miles.

If the shore route in front of the Pavilion is selected, it will be necessary to construct a retaining wall for about 1000 feet, in order to prevent the sea from washing the banks of the canal during heavy storms. This section will open near Hog Island, into the great South Bay, which extends eastward for 58 miles.

In the Western portion of this Bay, from Rockaway to South Oysterbay, the channels are in many places crooked and narrow, being interrupted by small islands of meadow.



These difficulties it is proposed to overcome by judiciously altering the course of the channels, and deepening them by dredging wherever required.

From South Oysterbay the great South Bay is navigable to Quogue without interruption, excepting from a narrow channel across the bulkhead near Smith's Point, opposite Beil Port, but this can be readily removed at a trifling expense.

The third Canal would extend from the East end of the great South Bay to Quantuck Bay, and thence to Southampton Bay, requiring about two and a half miles of excavation.

These three Canals, the united length of which would be about eight and a half miles, will open a navigation of 78 miles along a region of country inhabited by a large and annually increasing population, principally engaged in agriculture.

By extending the canal across Canoe Place, a distance of half a mile, the entire length of navigation would be opened 112 miles from New York to Sag Harbor, and by connecting Southampton Bay with Mecox Bay by a Canal of two miles in length, the towns of Southampton and Bridgehampton would be made of convenient access to the city. In case the company goes into operation, it is proposed to construct the Coney Island section first, which can be done in one year, and by employing this for purposes of navigation immediately upon its completion, an income will be accruing for the benefit of the stockholders while the remaining sections are in their order of construction.

It is very difficult at the present time to give correct data as to the amount of business which can probably be done on these canals. Although it were an easy task to follow the fashion of the day by making statements on paper which might prove delusive. It is assumed that no person would subscribe to the stock without examining into the project and satisfying his own mind as to its probable utility.

There are many individuals ill acquainted with the geography of Long Island, some of whom, suppose, that the ocean washes to the main southern shore, while others picture it in their imaginations as an uninterrupted range of sandy hillocks, producing a scanty subsistence for a half famished population, whose principal dependence is on the sea for food! These remarks may surprise Long Islanders who love their Island home, who know the unfounded nature of such opinions, but still such individuals do exist, who sneer at the very name of the South Side. To all such cavillers, who may have judged the whole Island from the appearance

of its *central uninhabited portion*, we would merely point to the fertile fields of Gravesend, Canausey, Jamaica South, Near Rockaway, Merrick, South Oyster Bay, Huntington South, Islip, Patchogue, Bell Port, Moriches, Quogue, South Hampton and East Hampton, all of which lie directly on, or contiguous to the proposed line of navigation. It is only because the inhabitants of these pleasant and healthy locations have been contented within themselves in following the pursuits of their progenitors, and because they have not, like half famished wolves, besieged the State Legislature for leave to disburden the Public Treasury, that they have remained almost unnoticed and unthought of. While other portions of the State have felt the encouraging hand of Legislative assistance, Long Island has been slowly, surely and successfully increasing in population and in wealth, depending solely on the untiring industry and self-relying disposition of its inhabitants.

If this work is carried into execution the following will indubitably be the result thereof :

1st. Numerous persons from the city will be induced to make excursions through these beautiful bays, and to spend the summer months at the different healthy and pleasant localities, skirting their shores, from Coney Island and Rockaway, to East Hampton. In this way business will be produced for the steamboats which the company is authorised to construct.

2d. The farmers will have a convenient way of sending produce to market, and can transport such articles as they may wish in their own sail boats on paying tolls for using the canals, and on their return can bring articles for their home consumption, and the manures required for their farms.

3d. A new market will be opened for the sale of the street sweepings of New York and Brooklyn. Scow boats will be constructed of light draft of water, which will bring produce of various kinds, wood and charcoal to the city, and return laden with street dirt and other manures. In this point of view, this project commends itself to the attention of every citizen of New York, and might be made the useful means of cleansing the city from dirty streets, now a great and just cause of complaint, and at times an intolerable nuisance.—The farmers of Long Island would gladly avail themselves of this opportunity for the purpose of purchasing, at a moderate price, this and other fertilizing substances; and the consumption of this one article alone would annually augment with the demands of an increasing agricultural community.

4th. A new region of country would be opened, in which owing to its proximity to the city, land would be sought after, not only for agricultural purposes but also for summer residences for our citizens. No one will question the assertion that the South side of Long Island is destined before many years to be densely inhabited. It has been endowed by nature with advantages possessed by few portions of this continent, and for healthiness of location cannot be surpassed. Among the many other advantages of the South side which are not improved, may be named the numerous sparkling streams which will eventually be converted to useful purposes. To one unacquainted with the Island, it may be surprising, that from Jamaica South to Quogue, a distance of 70 miles, there are upwards of sixty streams of water, one half of which are not at present turned to any profitable business, and are capable of being employed for small manufacturing purposes.

The above are what may be predicted as a few of the results of opening this new line of navigation. The only objection urged against the project, is by a few individuals on Long Island who fear that the navigation of the Bays will destroy the privileges of fishing and shooting. The idea that steamboats will drive the fish from the *channels*, and the wild fowl from their usual feeding grounds, the *shoals*, is as absurd as to suppose that the navigation of the East river and Sound drives the Lobsters, Bass and Black-fish from Hurl Gate, or the Clams from Cow Bay. If these privileges are diminished, it will only be from the ceaseless watching of the fisherman, that no fish escapes his net in entering an inlet, and of the sportsman, that no bird be allowed to rest undisturbed a moment on any feeding ground.

The projectors of it may now be deemed visionary, but time will solve the problem in their favor. They may be mistaken too, as to the entire feasibility of the project, and if so, can only say that they base their opinions on those of scientific engineers, one of whom has long been employed by the State on the Erie Canal, and also upon personal examination of the route, long acquaintance with the Bays and statements of persons conversant with the difficulties of the proposed improvement.

The subjoined report of Mr. Hutchinson gives estimates of the expense ; but Mr. Shipman thinks that locks will not be required, and can be superseded by the use of flush gates which will very materially diminish the cost of construction.



Deducting the estimates for locks and taking into consideration that the excavation can be made for a less sum than stated in the report annexed, Mr. Shipman states the probable cost at \$175,000.

The proposed Capital of the Company is Three Hundred Thousand Dollars, in shares of Fifty dollars; the surplus of which, after constructing the Canals, is to be employed in building small steamboats to navigate the Bays and Canals.

The Company can go into operation whenever \$50,000 is subscribed and paid in, and the capital may be reduced to \$250,000 by consent of a majority of the Stockholders.

If every able farmer on the line of this proposed navigation, would take a few shares, and if the citizens of New York would subscribe only for the probable result of cleaner streets, the project can be accomplished.

The Commissioners appointed to receive subscriptions, are  
Henry W. Titus, Bell Port, Suffolk county.

Henry Floyd Jones, South Oyster Bay, Queens county.

A. G. Thompson, Junr., Islip, Suffolk county.

Walter Scudder, Islip, do do do

Notice of the times and places for opening subscription books, will be given in a few days.

May 20, 1848.



Extract from the Report of the Canal Commissioners pursuant to the act entitled "An Act to provide for the survey of certain Canal routes therein mentioned."

Made to the Assembly March 6, 1826.

*To the Hon. Stephen Van Rensselaer, Samuel Young, Henry Seymour and William C. Bouck, Canal Commissioners of the State of New York.*

GENTLEMEN:—

In compliance with my instructions, I have made an examination and survey of the Long Island Canal, and herewith present maps of the country on the South side of Long Island, from Canoe Place in Southampton, to Gravesend Bay, below the harbor of New York. The maps are protracted on a scale of 20 chains to an inch, having routes of the proposed canals laid down to form a connection between the Bays—with a profile of the leveling, shewing the necessary depth of excavation at each place.

To accommodate the vessels that generally navigate Southold Bay, and the Great South Bay, the Canal should be 40 feet wide on the bottom, 60 feet wide on the top, and 5 feet deep; the locks to be 22 feet wide and 90 (ninety) feet long between the gates. They should be constructed of stone masonry with hammered beds and faces, the hollow quoins, cut stone, and all well laid in water cement. Upon this plan I have formed my calculations, and made the following estimate of the expense.

The examination commences in Southampton, and the first Canal would be half a mile in length, to join Southold Bay with South Hampton Bay at Canoe Place.—The soil is sand and gravel, and the highest point of excavation would be 25 feet. A lock should be constructed at each end of the Canal to retain the water at the elevation of high tide, and make slack water between the bays. The tide rises at this place about three feet, and as there is about three hours difference in time of high water in the bays, the locks will be necessary to prevent a rapid current in the canal, and will permit the passage of vessels at all times of tide. A draw bridge must be made to accommodate the travel of the road; such as may be easily removed from the canal for vessels having masts. A wharf should be con-

structed in Southold Bay to form a harbor and facilitate the entrance of vessels into the canal.

The expense estimated as follows :

102,092 cubic yards of excavation at 15 cts.	\$15,313 80
1 Bridge.	600 00
2 Locks at \$6000 each.	12,000 00
1 Wharf in Southold Bay	3,000 00
	<hr/>
	\$30,913 80

The Southhampton Bay is navigable 8 miles, from Canoe Place to Quogue, for vessels drawing 4 1-2 feet of water. The channel is generally deep, but near the West end of the Bay, the depth in common tides is a little more than 4 feet.

From the West end of Southampton Bay, at Quogue, to the East end of the Great South Bay at Ketchebonnock, the distance is 3 1-2 miles. A Canal to form a communication between these bays must be excavated through the salt meadows, crossing two small ponds and the Quantic Bay, which is three fourths of a mile in width, and the water 4 1-2 feet deep. It is proposed to excavate 5 feet below the level of high tide, and retain the water in the Canal by locks placed near the termination. The soil is muck and sand, and the expense of excavating will be much increased by pumping or bailing, which will be necessary in order to keep out the water while digging the canal.

173,026 cubic yds. of excavation at 18 cts.	\$31,144 68
Making 2 Dams.	200 00
2 Locks, the walls 10 ft. high, at \$6,000 each	12,000 00
	<hr/>
	\$43,344 68

The Great South Bay is 58 miles in length, and extends from Ketchebonnock, at the proposed termination of the last Canal, to a point near Hog Island inlet. The first shoal water in the Bay is in Mastic, near Smith's point; here are three places affording but about 4 feet of water. Some excavation will be required at each of those places, to deepen the channels and give them a good direction, and would cost about \$900. From Smith's point to Babylon, the distance is about 25 miles, and the Bay is wide and deep, affording 8 feet of water. West of Babylon, the water decreases in depth; and at Bulkhead, 9 miles West of Babylon, there is

a shoal with but a few inches of water, in low tide. This bay to its Western termination, has, in many places, channels of deep water; but there are several shoal places that must be excavated to connect those deep channels.

The smaller vessels frequently navigate this part of the Bay, with loads, in high tide—and also the larger vessels when not full laden. I have estimated the expense of cutting through these shoals at \$20,000. And should this sum be judiciously expended, I have no doubt but that three feet of water may be obtained in low tide, and seven in high tide.

From the West end of the South Bay near Hog Island inlet, a canal should be excavated through the meadows, and along in front of Rockaway beach, 4 1-2 miles to Jamaica Bay, as laid down on the map. There would be about 6 feet of excavation over level salt meadows of muck and sand, with the exception of a fourth of a mile, near Mrs. Cornell's at Rockaway. Locks will be required at each end of this Canal, to retain the water at the level of high tide. A bridge should be made at Rockaway to allow teams to cross the Canal, having a moveable roadway to admit the passage of vessels with masts.

284,929 cubic yds. of excavation at 18 cts.	\$51,287 22
1 Dam with waste gate.     -     -     -     -	300 00
1 Bridge.     -     -     -     -     -     -	250 00
2 Locks.     .     .     .     .     .     .	12,000 00
	<hr/>
	\$63,837 22

Jamaica Bay is navigable for large vessels six miles to Barren Island. A channel must be there excavated for about half a mile to communicate with Sheepshead Bay; and this cut is estimated to cost about \$4,000. Sheepshead Bay is navigable, at low water, about 2 1-2 miles. From the West side of this Bay to Gravesend Bay, the distance is 2 1-2 miles, and it is proposed to excavate a Canal one and a half miles across the salt meadows, north of Coney Island, an average depth of 9 1-2 feet, and navigate the creek one mile to Gravesend Bay. A Bar at the mouth of the creek must be excavated for a short distance to obtain the necessary depth of water for vessels to pass in at low tide.

Shoal near Barren Island     -     -     -	\$4,000 00
163,500 cubic yds. excavation at 18 cts     -	29,430 00
1 Road Bridge.     -     -     -     .	500 00
	<hr/>
	\$33,930 00

Should it be deemed advisable, a Canal may be made across the meadows, to join Sheepshead Bay with Gravesend Bay, of a less depth of excavation, placing locks at each end of the Canal, with less expense than by the deep excavation without locks, as proposed above.

### RECAPITULATION.

Names of Places.	Whole dis.	Length in Bays.	Length of Canal.	Estimated Cost.
	Miles.	Miles.	Miles.	
Canoe Place.	1-2		1-2	\$30,913 80
Ketchebonnock.	12	9	2 1-2	43,344 68
Hog Island Inlet.	70	58		20,900 00
Jamaica Bay.	74 1-2		4 1-2	63,837 22
Gravesend Bay.	85 1-2	10	1 1-2	33,930 00
		77	9	192,295 70
Add for contingencies, 10 per cent.		-	-	19,229 57
				\$212,218 27

From the preceding table, it appears that the whole distance from Canoe Place to Gravesend Bay, is 85 1-2 miles—that the Bays will be navigable 76 1-2 miles, and require Canals to be made nine miles at an estimated cost of \$212,218 27.

From Gravesend Bay, at Coney Island Creek, to the city of New York, the distance is estimated at 12 miles; and from Canoe place to Sag Harbor, through the Bays, about 18 miles; so that constructing nine miles of canal, forms a navigation through the inland Bays of Long Island, from Sag Harbor to the city of New York, a distance of 115 miles. And I have no hesitation, considering the cost, and the country to be accommodated, of recommending this improvement as an object of great importance to the inhabitants of Long Island.

Respectfully Gentlemen,

Your obedient Servant,

(Signed) HOLMES HUTCHINSON, Engineer.



# AN ACT,

**To incorporate the Long-Island Canal and Navigation Company.**

*Chapter 202 Laws of 1848*

Passed April 7th, 1848.

*The People of the State of New York, represented in the Senate and Assembly, do enact as follows :*

SECTION 1. Henry W. Titus, James I. Shipman, Abraham G. Thompson, Junr., Walter Scudder, Nathaniel Miller, Henry Floyd Jones, John L. Norton, Henry Gardiner, Josiah P. Howell, and all such other persons as may associate themselves with them, and their successors are hereby created a body politic and corporate, by the name of "The Long Island Canal and Navigation Company."

§ 2. The capital stock of said corporation shall be three hundred thousand dollars, to be divided into shares of fifty dollars, and subscription books for said stock shall be opened under the direction of Henry W. Titus, Henry Floyd Jones, Abraham G. Thompson, Junr., Walter Scudder, or any two of them, as commissioners for that purpose, at such place or places, and on such day or days, in the city of New York, and in the counties of Kings, Queens, and Suffolk, as they shall appoint, giving fourteen days notice of each time and place of meeting, in at least one newspaper published in each of said counties and in said city, and said subscription books shall be opened within one year after the passage of this act. In case a greater amount than three hundred thousand dollars shall be subscribed, the said commissioners shall distribute the stock in such manner as a majority of them shall deem most advantageous to the public interests ; but in case the capital stock of said corporation shall not be subscribed, then the said commissioners shall be authorised to re-open the said books at such other times and places, and in such manner and after such notice as a majority of them shall direct. The said commissioners shall at the time of any subscription, require the payment by the person or persons subscribing, of five dollars on each share of stock so subscribed, and unless the same shall be paid the subscription shall be invalid.

§ 3. The said corporation are authorised and empowered to employ their capital stock in surveying, constructing, navigating, and maintaining a line of canals and water communication.

1. From Gravesend bay in the county of Kings, to Jamaica bay ;

2. From said Jamaica bay across Rockaway in the county of Queens, to the Great South bay ;

3. From the eastern end of said Great South bay across Quogue, in the county of Suffolk, to South Hampton bay ; and if required to promote the interests of the public and of said corporation, they are authorised to connect the said South Hampton bay with Mecoek bay, and across Canoe place with Peconic bay in the county of Suffolk, as well as to make lateral canals to either or both the villages of Jamaica and Hempstead in the county of Queens ; and in excavating the grounds deepening the shoals, and straightening the channels in any of the said bays or intermediate places ; which said canals shall be at least thirty feet wide at the bottom and fifty feet wide at the surface, and three feet in depth at common low tide.

§ 4. The said corporation may commence their operations whenever fifty thousand dollars shall be subscribed and paid in, and they are authorised to employ such portion of their capital as may be necessary in purchasing, building or hiring dredging machines, steam and freight boats, for constructing and navigating said canals, and whenever the whole or any part of the said canals shall be completed, they are empowered to demand, collect and receive from every person or persons wishing to navigate the same, such rates of toll as they shall from time to time ordain and establish ; the same to be subject to alteration and revision by the canal board ; but nothing in this section shall be so construed as to prevent the navigation of said canals by boats and vessels other than those owned or employed by said corporation, on the payment of tolls for the use of said canals, nor the navigation of any part of said bays free of toll.

§ 5. The said line of canals, capital stock, property, effects and government of the same shall be under the management and direction of nine directors, of whom there shall be located two in each of the counties of Kings, Queens and Suffolk.— Said directors shall be elected by the stockholders within sixty days after fifty thousand dollars shall have been subscribed, fourteen days notice being given of such election, and shall hold their offices until the first Tuesday in June, in the next succeeding year after such election ; on the said first Tues-

day in June, and annually thereafter, there shall be an election for nine directors, who shall hold their offices for one year, and until others shall be chosen in their places, six of whom shall always be located as aforesaid; the first election shall be held under the superintendence and inspection of Henry W. Titus, Henry Floyd Jones and Abraham G. Thompson, Jr., and every subsequent election shall be held under the inspection of three stockholders, not being directors, who shall be previously appointed by the directors. All elections shall be by ballot, and a plurality of votes shall constitute a choice. In case of an equal number of votes for any one or more directors, the remainder of the directors shall by ballot determine which shall be entitled to a seat in the board of direction. Every stockholder shall be entitled to one vote, personally or by proxy, on every share held by him for thirty days immediately previous to such election; the directors so chosen, shall elect, as soon as may be, at or after the first meeting, and every annual meeting thereafter, one of their number as president. In case of the death, resignation or absence of the president, the board of directors shall have the power of appointing a president pro tempore.

§ 6. In case it should at any time happen that an election of directors shall not be made on any day, when pursuant to this act it ought to have been made, the said corporation shall not for that cause be dissolved, but such election may be held at any other time, directed by the by-laws of the said corporation, within sixty days after the day on which it should have been held.

§ 7. The board of directors shall have power to make all necessary rules, regulations and by-laws, for regulating the time and manner of paying in the stock subscribed; for declaring the forfeiture of previous instalments by the non-payment of subsequent ones, after giving thirty days notice of demand of payment; for regulating the manner of voting by proxy; for directing elections to fill vacancies that may occur between the annual elections; for regulating the time and manner of declaring dividends of their profits; for the regulation of the conduct of officers and agents; for the appointment of as many officers and agents as they may deem requisite, and to determine the amount of their compensation; and generally to do all other acts they may deem expedient, for the purposes of carrying into effect the objects of the corporation, and not contrary to the provisions of this act, or any law of this state.



§ 8. Notransfer of the stock of the corporation shall be valid or effectual, unless the same shall be registered in a book or books to be kept by the directors for that purpose.

§ 9. The said corporation may purchase and hold all such real estate, lands and waters subject to the free navigation of said bays by all persons as may be necessary for constructing, maintaining and repairing their canals, and may by their engineers and agents enter upon any land or water for the purpose of making surveys, a just compensation therefor being first made to the owners thereof, and may by their engineers or agents enter upon, take possession of and use all such real estate, lands and waters as may be necessary for the construction and maintenance of their canals and the accommodations required appertaining thereto, after paying to the owners all damages they shall sustain thereby, to be ascertained as hereinafter provided, and may also receive, hold and take all such voluntary grants and donations of real estate, lands and waters as may be made to the said corporation, to aid in the construction, maintenance and accommodation of said canals; but all real estate, lands and waters thus entered upon, which are not donations, shall be purchased by the said corporation of the owner or owners of the same, at a price to be mutually agreed upon between them; and whenever the said corporation shall become possessed of and own any real estate, lands or waters, that may be unnecessary for them to retain for the purposes aforesaid, it shall be lawful for them to occupy, alien and convey the same by deeds, on such terms as they shall deem expedient.

§ 10. Whenever the real estate, lands and waters necessary for the purposes of said canals, cannot be obtained by voluntary donation or purchase, and in case of disagreement between the said corporation and the owner or owners of any of said real estate, lands and waters, as to the price to be paid therefor, the said corporation or any owner or party agrieved or interested, may present to the county judge of the county in which such real estate, lands or waters may lie, a petition setting forth the necessity or design of taking any such real estate, lands or waters for the purpose of said canals and the failure to obtain the same, or liquidate and adjust by agreement the compensation to be paid therefor, and the name and residence of each owner, if known, and if not known the fact of such names being unknown, and the means that have been taken to ascertain the same, together with a map, plan or profile of the real estate land or waters thus required or proposed to be taken, and of the said canal, and praying that a jury of



appraisers be appointed. The said judge shall thereupon direct reasonable notice, written or printed, of not less than three weeks, to be given to the owner or owners of any such lands, real estate, or waters of the time of drawing such jury, which shall be at the clerk's office in the county where such real estate, lands or waters are situated; such written or printed notice to be served upon such owner or owners if known, or in case of absence from their place of residence, to be left or directed to them through the post office at their usual place of residence, and if such owner or his place of residence is not known and cannot be ascertained, to be put up in some conspicuous place on the premises to be appraised, and published as said judge shall direct, setting forth the time and place of drawing such jury; and upon due proof of such notice and hearing the parties, or such of them as may attend and object to the regularity of the proceedings on the part of said corporation, such judge, together with the clerk of said county, shall draw from the grand jury box of the county, the names of twelve jurors, in the opinion of such judge competent and disinterested, who, by an order to be entered in the common rule book of the county court of said county, shall be a jury to ascertain the compensation aforesaid, to be paid to such owner or owners, and the ballots drawn from the jury box shall be replaced by the clerk. In case any real estate, lands or waters described in such petition, shall be owned by any married woman, infant, idiot or insane person, or by a non-resident of this state, the said judge shall appoint some competent and suitable person, having no interest adverse to such owner, to take care of the interests of such owner in respect to the proceedings to ascertain such damages, and all such notices as are required to be served on any owner residing in this state, shall be served upon the person so appointed in like manner as on such owner; but any person so appointed to take care of the interests of any such non-resident may be superseded or removed by him, and he may appoint another in his place.

§ 11. Such jury of appraisers, before entering upon their duties, shall take the oath prescribed by the twelfth article of the constitution of this state.

§ 12. The said judge shall appoint a time and place for said appraisers to meet, and shall cause at least fourteen days notice to be given to such owner or owners, if known, by a notice, written or printed, to be left at their usual place of residence, if within the county, and if not, to be put up in some conspicuous place on the premises to be appraised, and if not known, to be published as the judge shall deem proper and

reasonable, setting forth the time and place of meeting for the purpose of completing said appraisement, and shall also cause due notice to be given to said appraisers of the time and place of meeting ; and in case the twelve of said appraisers shall not appear, or shall refuse or neglect to serve, the vacancy or vacancies shall be filled in the manner aforesaid.

§ 13. The said appraisers shall have power to examine witnesses under oath, which oath any of said appraisers is hereby authorised to administer ; and shall, without fear, favor or partiality, assess the value of the real estate, lands or waters taken, and the damages any such owner or owners may sustain by the taking of their real estate, lands or waters, or by injury to buildings or other fixtures, and in the construction of such canals, or by any operation connected therewith, without any deduction on account of any real or supposed benefit such owner or owners may derive by the construction of said canals. If the amount of such appraisement shall exceed the sum tendered by said corporation, the said jury shall assess a separate sum for costs, expenses, and reasonable counsel fees, as they shall deem reasonable and just.

§ 14. The said appraisers shall make a certificate or inquisition of their appraisement, specifying the items appraised. It shall be signed by them, and shall contain a minute and accurate description of the real estate, lands and waters appraised, with a map thereof, and shall be presented with the testimony taken, to the county clerk, who shall file the same in his office ; upon proof to the said judge within thirty days after the filing of the inquisition of the jury, of payment to the owner or owners, or of depositing to their credit in such incorporated monied institution as the judge shall direct, of the amount of such appraisement, with the costs and expenses and counsel fees, if any shall be assessed by the appraisers, the judge shall make an order particularly describing the real estate, lands or waters, and reciting the appraisement and the mode of making it ; which order shall be recorded in the office of the clerk of the county in which the real estate, lands or waters are situate, in the like manner as if the same were a deed of conveyance ; and the said corporation shall thereupon become seized in fee of such real estate, lands and waters, and may take, hold and use the same for the purposes of said canals ; and within twenty days after the filing of said certificate, the said corporation or any other party interested may give notice of a motion to be made before said judge within thirty days thereafter, at a time and place specified in such

notice for a re-hearing, and the appraisement of said damages by a new jury of appraisers ; said judge may adjourn the hearing, or the further hearing of said notice from time to time, not exceeding sixty days in all as shall be equitable, and if on a review of the said certificate and testimony, he is satisfied any substantial error or injustice has been committed, he may order a re-hearing and the appraisement of such damages by a new jury of appraisers to be drawn and proceed in the same manner as said first jury ; and all the provisions herein before contained in relation to said first jury or proceedings before them, shall apply to said second jury, and their appraisal shall be made and certified in the same manner, and be final. If said second jury increase said damages, said corporation shall pay the same, with such costs as said second jury shall award to the person or persons entitled thereto, or deposit the same to his or their credit, as hereinbefore provided. If said second jury shall diminish said damages, the person or persons entitled thereto, shall pay back the amount of such diminution, with such costs as shall be awarded by said jury to said corporation. And before any person or persons shall be entitled to make such motion for a re-hearing and appraisement by a new jury as aforesaid, he or they shall give security by bond to said corporation, in such amount and with such sureties as said judge shall approve, conditioned to pay back to said corporation the amount which said damages shall be diminished, if any, with all such costs as may be awarded against such person or persons as aforesaid. And in case any of the aforesaid juries cannot agree on any appraisement, they shall be discharged, and a new jury, as soon as may be and without further notice, drawn or selected in their places, in the same manner as the jury discharged, who shall be sworn and proceed in like manner, and before whom like proceedings shall be had. In case it shall at any time appear, after any appraisement of damages under this act, or purchase by or donation to the said corporation, of any real estate, lands or waters, that the title acquired to any portion of the real estate, lands or waters taken, purchased or granted for the purposes of said corporation, shall fail, the said corporation are authorised to proceed anew, in the same manner as above set forth, to perfect the title to the same by an order to be granted for such purposes by a county judge as aforesaid ; provided however, if upon proceeding anew to ascertain the said damages as aforesaid, the said corporation shall give such bond with such security as the said judge shall direct, conditioned for the payment of such damages when ascertained according to the



provisions of this act, the said real estate, lands and waters may be appropriated to the use of the said corporation by an order for that purpose to be granted by said judge, and thereupon the said corporation may enter upon and become possessed of and use the same for the purposes of said canals.—The compensation of the appraisers shall be determined by the said judge at a sum not exceeding two dollars per day, in addition to their reasonable expenses, to be paid by the said corporation.

§ 15. In all cases where any road or public highway is so located,, that the said canals, or any portion thereof cannot be judiciously laid out and made without interfering therewith, it shall be lawful for said corporation to cause the said highway or road to be so altered at their own expense, as that the said canals may be made on the most advantageous site of ground; but the said corporation shall cause said highway or road thus altered, to be constructed and put in as good order and repair as the old one was at the time of removing the same, at their own costs and expense, and before shutting up or injuring the old highway or road.

§ 16. The said corporation shall build and keep in good repair suitable and convenient bridges over and across said canals in all places where the same shall pass or cross any public highway or road, and all other necessary bridges for the accommodation of persons owning land on any part of said canals; and said corporation may also build or procure and maintain toll houses at such places as they shall deem proper.

§ 17. No person shall construct any bridge across said canals, or any portion thereof, or shall build any wharf or basin, or shall make or apply any device whatever, for the purpose of diverting or turning away water from said canals or any portion thereof, without first obtaining permission therefor from said corporation; and if any person shall construct any such bridge, wharf, or device aforesaid, without such permission, he shall forfeit and pay to said corporation a sum not exceeding fifty dollars; and the said corporation may remove or fill up the same, at the expense of the person so making and applying the same as aforesaid; and may sue for and recover the same in any court of competent jurisdiction.

§ 18. If any person or persons shall wilfully injure or obstruct the said canals or any portion thereof, or any of the works connected therewith, such person or persons shall be liable to pay double the amount of the damages sustained, to be recovered by said corporation, in any court having competent jurisdiction.



§ 19. When the said line of canals, or any portion thereof, shall be completed and made use of for the purpose of navigation, the directors of said corporation shall make a full statement of the expense of constructing the same, under the oath or affirmation of the president thereof, and shall cause the same to be filed in the office of the comptroller; and copies thereof in the office of the clerk of each of the counties aforesaid, and in like manner shall, on or before the fifteenth day of February in each year, after the completion of said line of canals, file in each of said offices, a statement of tolls received on said canals, and of all the monies expended by said corporation for repairs or otherwise, for the purpose of said canals.

§ 20. The stockholders of the said corporation shall be jointly and severally liable in their individual capacities for the payment of all debts contracted by the company, to the nominal amount of the stock held by such stockholders, until the whole amount of the capital stock of the company shall have been paid in, and a certificate thereof signed and sworn to by the president and a majority of the directors, shall have been made and recorded in the office of the clerk of each of the counties aforesaid. The president and directors of said corporation, with the consent of the stockholders holding the major part of the stock then subscribed, may at any time after fifty thousand dollars of the capital stock shall have been subscribed, reduce the amount of the capital stock of said company, but not below two hundred and fifty thousand dollars; and in that case, within thirty days after the payment of the last instalment of the capital stock so fixed and limited, shall make a certificate stating the amount of the capital stock so fixed and paid in, which certificate shall be signed and sworn to by the president and a majority of the directors; and they shall within the said thirty days, record the same in the office of the county clerk of each of the counties aforesaid. The stockholders of said corporation shall be jointly and severally liable for all debts that may be due and owing to all their laborers, servants and apprentices, for services performed for such corporation; but no suit shall be maintained against such stockholders without proof that a demand for such debts had been presented to the proper officer of said corporation for payment and the payment thereof neglected or refused. If the indebtedness of said corporation shall at any time exceed the amount of its capital stock, the stockholders shall be jointly and severally liable for such excess, to

the creditors of such company, provided that no suit against a stockholder for any such debts shall be maintained till an execution therefor against said company shall have been returned unsatisfied in whole or in part; and that any stockholder who may have been obliged to pay any demand against said corporation shall have the right to resort to the rest of the stockholders who were liable to contribution. All the directors of said corporation who shall consent to declare and pay any dividend when the said corporation is insolvent, or any dividend, the payment of which would render it insolvent, shall be jointly and severally liable for all the debts of the company then existing, and for all that shall thereafter be contracted, so long as they shall respectively continue in office.

§ 21. In case the said corporation shall not complete one section of the line of canals hereinbefore specified, within three years from the passage of this act, then the said corporation shall thenceforth cease and determine; and in case a part only of said line of canals shall be completed within ten years, then the privileges and powers of making the residue, shall cease and be void.

§ 22. The said corporation shall possess the general powers and be subject to the restrictions and liabilities prescribed in the third title of the eighteenth chapter of the first part of the Revised Statutes.

§ 23. This act shall take effect immediately.









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